



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,153	08/26/2003	Timothy J. Collins	CML01464M	7078
22917	7590	12/23/2010	EXAMINER	
MOTOROLA, INC. Penny Tomko 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			AGWUMEZIE, CHARLES C	
			ART UNIT	PAPER NUMBER
			3685	
			NOTIFICATION DATE	DELIVERY MODE
			12/23/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USAdocketing@motorolasolutions.com

Office Action Summary	Application No. 10/650,153	Applicant(s) COLLINS ET AL.	
	Examiner CHARLES C. AGWUMEZIE	Art Unit 3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,6,8,11 and 19-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,6,8,11 and 19-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/10/06; 10/8/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. Applicant's argument filed on October 8, 2010 is acknowledged. Accordingly claims 1, 5-6, 8, 11, 19-25, 27-28 and 31-33 remain pending and have been examined.

Response to Arguments

2. Applicant's arguments filed October 8, 2010 have been fully considered but they are not persuasive.
3. With respect to the 101 rejection, Applicant argues that the rejection under 101 is improper because the claimed invention is tied to another statutory class. Specifically that claim 1 recites that one number on an RFID tag is obtained by radio means while another number is electronically read. In addition that per the case law and BPAI decision it is unnecessary to recite the specific devices to accomplish the method steps- it is sufficient that they must be performed by specific machines.

In response Examiner asserts that none of the claims specifically states the machine which carries out the obtaining and/or the reading. For example a recitation of a specific machine in the preamble is insufficient to overcome 101 rejection. Likewise it is insufficient to recite machine activity in some steps and not others. In each case it amounts to extra solution activity. If this is not the case then where do we draw the line for overcoming the 101 rejection? Accordingly it is Examiner's position that the claimed invention is directed to non-statutory subject matter because of lack of consistency in machine activity recitation.

4. With respect to the § 112 first paragraph rejection of claims 30-33, Applicant argues that among others as described in the second paragraph of the detailed description (and further discussed in the enumerated list thereafter) and in relation to step 501 of fig. 5, the first number 201 (as recited fourth number) is a unique or semi-unique unalterable number existing on the anti-forgery tag...

In response, Examiner has reviewed among others as described in the second paragraph of the detailed description (and further discussed in the enumerated list thereafter) and in relation to step 501 of fig. 5, the first number 201 is a unique or semi-unique unalterable number existing on the anti-forgery tag. The first number 201 is not recited as fourth number neither does the second number 202 recited as third number anywhere in the cited sections of the detailed descriptions nor in the figures as applicant appears to argue. If Applicant disagrees with this position, Examiner requests that Applicant specifically recite (copy and paste and underline) the figure and the associated text that discloses the claimed limitations. It is Examiner's position that the third and fourth number are simply an imaginary numbers not anywhere described in the detailed specification or the disclosed figures/diagrams.

5. With respect to **claim 1**, Applicant argues that Kay discloses only a single number—the printed number on the ticket obtained by optically scanning the number. That Kay does not disclose obtaining a different number associated with the ticket by radio means.

In response Examiner respectfully disagrees and submits that Kay discloses a different number obtained by radio means. This is because in Kay the second number is

electronically read from the ticket – the printed number on the ticket obtained by optically scanning the number. The first number is obtained from the memory of the portable terminal which is compared with the second number in order to ascertain the authenticity of the ticket. Accordingly it is Examiner's position that Kay discloses the claimed first and second number.

6. Applicant further argues that Kay does not disclose using a cryptographic process to decide whether the second number is signature of the first number.

In response, Examiner disagrees and submits that Kay clearly described that the printed information contains an encrypted signature and it was this signature that is used to decide the authenticity of the ticket. Accordingly it is Examiner's position that the claimed limitation using a cryptographic process to decide whether a first number that is electronically read is signature of a second printed number obtained by radio means is met.

7. Applicant further argues that Kay does not disclose determination of the item authenticity because the authenticity of the item is based on a comparison, not between two numbers.

In response, Examiner disagrees and submits that Kay clearly determines authenticity of the ticket via cryptographic process by matching or comparing the first and second numbers. This is because through cryptographic decoding of the second number and comparing the resulting number with the first number can the authenticity of the ticket be determined. Accordingly the claim limitation is met.

8. Applicant further argues that combining Kay with Halperin will result in information contained in the RFID tag and printed label that is duplicative.

In response, Examiner respectfully disagrees and submits that substituting the portable terminal of Kay with the RFID tag of Halperin will not result in the information contained in the RFID tag and printed label that is duplicative. The portable terminal stores a number just as the RFID terminal of Halperin store a number. Accordingly substituting the portable terminal with the RFID of Halperin will not be duplicative of information contained in the RFID nor change the principles of the operation of Kay.

9. Applicant further argues that there is no reason why one skilled in the art would combine the teachings of Kay and Halperin to arrive at the method recited in claim 1.

In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). In this case, both Kay and Halperin are concerned with item authenticity. Halperin uses RFID tag to store numbers while Kay uses a portable terminal to store numbers. RFID tags are generally and liberally used in documents including legal documents, bank check/cheque or items that require authenticity. Substituting the portable terminal of Kay

with the RFID tag of Halperin is a viable substitution especially where both performs the same or equivalent functions.

10. With respect to **claims 6, 11, and 21**, Applicant argues that these claims are allowable for the same reasons advanced in claim 1.

In response, Examiner respectfully disagrees and submits that these claims are not patentable over the recited references for the same reasons discussed above.

11. Applicant further argues that **claims 6 and 21** further recites specifics about the RFID tag. Specifically that the RFID tags contains two numbers - one number that is unalterable and a second number that is programmed into the RFID tag having the first number.

In response, Examiner submits that RFID tags generally can be programmed to contain more than one number. It is not how many numbers that is contained in the RFID tag that matters but what functions is performed using those numbers in the method step. Because the additional number does not contribute to the determination of the authenticity of the claimed item no further weight is accorded the additional number(s).

12. With respect to **claims 5, 8, 19-20 and 22-33**, Applicant argues that these claims depend from their respective allowable base claims and therefore allowable by virtue of their dependency. That claim 22 for example recites that the RFID tag is an anti-forgery RFID tag

In response Examiner respectfully disagrees and submits that claims 5, 8, 19-20 and 22-33 are neither allowable by virtue of their dependency from their respective base

claims nor for their own individually recited features. In addition an RFID tag is an RFID tag. Applicant has the right to define the RFID tag in such a manner that its function is different from any other known RFID tag. Where claim term “is susceptible to various meanings, ... the inventor’s lexicography must prevail....” However it is not enough that Applicant define the RFID tag but its functions are the same as any other RFID tag. Besides Halperin clearly described that the RFID tag cannot be duplicated (anti-forgery RFID tag?)

Claim Rejections - 35 USC § 101

13. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

14. **Claims 1, 5-6, 8, 11, and 19-33**, are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Based on Supreme Court precedent¹ and recent Federal Circuit decisions, § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing.² If neither of these requirements is met by the claim(s), the method is not a patent eligible process under 35 U.S.C. § 101. In addition, the tie to a particular

¹ *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

² The Supreme Court recognized that this test is not necessarily fixed or permanent and may evolve with technological advances. *Gottschalk v. Benson*, 409 U.S. 63, 71 (1972).

apparatus, for example, cannot be mere extra-solution activity. See *In re Bilski*, 88 USPQ2d 1385 (Fed. Cir. 2008).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps.

To meet prong (1), the method step should positively recite the other statutory class (the thing or product) to which it is tied. This may be accomplished by having the claim positively recite the machine that accomplishes the method steps. Alternatively or to meet prong (2), the method step should positively recite identifying the material that is being changed to a different state or positively recite the subject matter that is being transformed.

In this particular case, claims 1, 5-6, 8, 11, and 19-33 fails both prong (1) because the “tie” (e.g. obtaining by radio means, electronically reading, utilizing and determining) is representative of extra-solution activity and/or not tied to any particular machine or apparatus. Additionally, the claim(s) fail prong (2) because the method steps do not transform the underlying subject matter to a different state or thing. Accordingly these claims are directed to non-statutory subject matter.

Claim Rejections - 35 USC § 112

15. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

16. Claims 30-33, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification as originally filed contains no support for “**wherein the fourth number does not contain product information of the item**” (claim 30); “**wherein the first number does not contain product information of the item**” (claims 31-33). There are new claims without support in the specification. This is the first instance of this invention that is unrelated and unsupported by the original filing. Cancellation of the new matter is required.

Applicant’s amendments/arguments filed April 13, 2010 have been considered but are deemed without merit since the applicant argues an invention lacking support in the specification and based entirely on new matter.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 1, 5-6, 8, 11, 19-25, 27-28 and 31-33, are rejected under 35 U.S.C.

103(a) as being unpatentable over Kay U.S. Patent No. 6,223,166 B1 in view of Halperin et al U.S. Patent No. 6,226,619

19. As per **claims 1 and 11**, Kay discloses a method for determining if an item is a fraudulent item, the method comprising the steps of:

obtaining by radio means a first number associated with the item or item's packaging (*col. 4, lines 40-60, which discloses that a processor 39 receives an output from the receiver 37 and checks the bar code against an asymmetric key stored in a memory 40 and assigned to the event by the seller. Using an asymmetric key assigned by the seller to the event, the bar code is decoded and compared against an event description stored in the memory 40*);

electronically reading a second number printed on the item or packaging of the item (*see col. 4, lines 40-60, which discloses scanning a ticket 31 including a bar code 33 representing cypher code definitive of the ticket information in an asymmetric cryptographic system*);

utilizing a public-key cryptographic process and contents of the RFID tag to cryptographically decide whether the second number is a public key signature of the first number (*see col. 4, lines 15-25, which discloses a digital signature may be included in the ticket. The digital signature*

is created by the seller recording a message in the ticket using his private key); and

determining authenticity of the item based on the result of the decision (col. 4, lines 40-60, which discloses that the bar code is decoded and compared against an event description stored in the memory 40. If the event description and decoded cypher code compare, the ticket is authenticated and the holder is granted admission to the event. If the event description and the decoded cypher code do not compare, the ticket holder is denied admission to the event)

20. What Kay does not explicitly disclose is the use of RFID tag.

21. Halperin discloses the method comprising the use of RFID tags (*fig. 1; col. 2, lines 50-55, which discloses that "the item includes indicia ... for comparism with a secret ... designating authenticity"; col. 4, lines 30-40, which discloses that "the customer verify ... that the encrypted number carried by the tag corresponds to the unique serial number ", col. 7, lines 10-15, which discloses that "a unique signature is provided by the tag"; col. 7, line 65-col. 8, line 10)*

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Kay and incorporate a method comprising the RFID tag as a substitute for the memory device since both are memory

devices for storing and reading information in view of the teachings of Halperin in order to ensure adequate security of the item by ensuring authenticity of the product

22. As per **claim 5**, Kay further discloses the method wherein the step of determining the item's authenticity comprises associating the item with an authentic item if the signature is verified, otherwise associating the item with a forged item (col. 4, lines 40-65).

23. As per **claims 6**, Kay further discloses a method of manufacturing a product in order to prevent forgery, the method comprising the steps of:

programming an anti-forgery RFID tag pre-programmed with an unalterable first number with a second number, the unalterable first number probabilistically rarely the same number as unalterable first numbers in other anti-forgery RFID tags;

determining a third number that is a cryptographic signature over the first and second numbers (*see col. 4, lines 15-25, which discloses a digital signature may be included in the ticket. The digital signature is created by the seller recording a message in the ticket using his private key*);

affixing the anti-forgery RFID tag comprising first and second numbers to either the product or the packaging associated with the product (*see col. 4, lines 15-25, which discloses a digital signature may be included in the ticket*); and

affixing the third number to either the product or the packaging associated with the product to either the product or the packaging associated with the product (*see col. 4, lines 15-25, which discloses a digital signature may be included in the ticket*).

24. What Kay does not explicitly disclose is:

programming an anti-forgery RFID tag pre-programmed with an unalterable first number with a second number, the unalterable first number probabilistically rarely the same number as unalterable first numbers in other anti-forgery RFID tags

25. Halperin discloses the method comprising:

programming an anti-forgery RFID tag pre-programmed with an unalterable first number with a second number, the unalterable first number probabilistically rarely the same number as unalterable first numbers in other anti-forgery RFID tags (small tag 2, figs. 1 and 2 comprising a first number (*fig. 1; col. 4, lines 5-15, which discloses that "a tag is used that is preferably unique...that cannot be duplicated; col. 5, lines 55-65, which discloses "...number read from the tag ..."*)

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Kay and incorporate a method comprising programming an anti-forgery RFID tag pre-programmed with an unalterable first number with a second number, the unalterable first number probabilistically rarely the same number as unalterable first numbers in other anti-forgery RFID tags in view of the teachings of Halperin in order to ensure adequate security and portability.

26. As per **claim 8**, Kay further discloses the method wherein the step of affixing the second number to either the product or the packaging associated with the product comprises the step of printing a cryptographic signature on the product or the product's packaging (see col. 4, lines 40-60)

27. As per **claims 19 and 20**, Kay further discloses the method wherein a bar-code is used for rendering the second number that is printed on the item or item's packaging (see col. 4, lines 30-40)

28. As per **claim 21**, Halperin discloses a method for determining if an item is a fraudulent item, the method comprising the steps of:

obtaining by radio means a first and second number from an RFID tag, wherein the first number is unalterable and unique or semi-unique and the second number is associated with the item (*col. 4, lines 40-60, which discloses that a processor 39 receives an output from the receiver 37 and checks the bar code against an asymmetric key stored in a memory 40 and assigned to the event by the seller. Using an asymmetric key assigned by the seller to the event, the bar code is decoded and compared against an event description stored in the memory 40; see col. 4, line 60 - col. 5, line 15*);

electronically reading a third number (*(see col. 4, lines 40-60, which discloses scanning a ticket 31 including a bar code 33 representing cypher code definitive of the ticket information in an asymmetric cryptographic system);*);

utilizing a public-key cryptographic process and the first and second numbers to cryptographically decide whether the third number is a public-key signature of a combination of the first and second numbers (*see col. 4, lines 15-25, which discloses a digital signature may be included in the ticket. The digital signature is created by the seller recording a message in the ticket using his private key*); and

determining the authenticity of the item based on the result of the decision (*col. 4, lines 40-60, which discloses that the bar code is decoded and compared against an event description stored in the memory 40. If the event description and decoded cypher code compare, the ticket is authenticated and the holder is granted admission to the event. If the event description and the decoded cypher code do not compare, the ticket holder is denied admission to the event*);

29. What Kay does not explicitly disclose is the use of RFID tag.

30. Halperin discloses the method comprising the use of RFID tags (*fig. 1; col. 2, lines 50-55, which discloses that "the item includes indicia ... for comparism with a secret ... designating*

authenticity"; col. 4, lines 30-40, which discloses that "the customer verify ... that the encrypted number carried by the tag corresponds to the unique serial number ", col. 7, lines 10-15, which discloses that "a unique signature is provided by the tag"; col. 7, line 65-col. 8, line 10)

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Kay and incorporate a method comprising the RFID tag as a substitute for the memory device since both are memory devices for storing and reading information in view of the teachings of Halperin in order to ensure adequate security of the item by ensuring authenticity of the product

31. As per **claim 22**, Ksy failed to explicitly disclose the method further comprising the step of: electronically determining whether the RFID is an anti-forgery RFID tag

Halperin further discloses the method further comprising the step of: electronically determining whether the RFID is an anti-forgery RFID tag (see fig. 1).

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Kay and incorporate a method comprising the RFID tag as a substitute for the memory device since both are memory devices for storing and reading information in view of the teachings of Halperin in order to ensure adequate security of the item by ensuring authenticity of the product

32. As per **claim 23**, Kay failed to explicitly disclose the method, further comprising electronically determining whether a specific physical feature or a behavioral feature matches that of an anti-forgery RFID tag

Halperin further discloses the method, further comprising electronically determining whether a specific physical feature or a behavioral feature matches that of an anti-forgery RFID tag (col. 7, line 65-col. 8, line 10)

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Kay and incorporate a method comprising the RFID tag as a substitute for the memory device since both are memory devices for storing and reading information in view of the teachings of Halperin in order to ensure adequate security of the item by ensuring authenticity of the product

33. As per **claims 24 and 28**, Kay further discloses the method further comprising the step of: verifying that the second number is associated with the item (see col. 4, lines 40-60).

34. As per **claim 25**, Kay further discloses the method, wherein the verification is performed electronically using an optical scanner (see col. 4, lines 40-60).

35. As per **claim 27**, Kay further discloses the method, wherein the reading is performed by a bar code scanner (see col. 4, lines 40-60).

36. As per **claims 32 and 33**, Halperin further discloses a method, wherein the fourth number does not contain product information of the item (see fig. 1).

37. As per **claim 31**, Kay further discloses a method, wherein the first number does not contain product information of the item and the second number contains product information of the item (col. 4, line 60-col.5, line 15).

38. **Claims 26, and 29-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay U.S. Patent No. 6,223,166 B1 in view of Halperin et al U.S. Patent No. 6,226,619 as applied to claim 21 above, and further in view of Coppersmith et al (hereinafter "Coppersmith") U.S. Patent No. 6,069,955

39. As per **claim 26**, Kay and Halperin failed to explicitly disclose the method further comprising the step of:

electronically determining whether the second number is an Electronic Product Code (EPC) of the item.

Coppersmith discloses the method further comprising the step of:

electronically determining whether the second number is an Electronic Product Code (EPC) of the item (see fig. 2).

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Kay and incorporate a method further comprising the step of: electronically determining whether the second number is

an Electronic Product Code (EPC) of the item in view of the teachings of Coppersmith in order to ensure proper identification of the product.

40. As per **claim 29**, Kay and Halperin failed to explicitly disclose a method, wherein:
a third number is obtained from the RFID tag when the first number is obtained,
'the third number is concatenated with, but a separate number than, the first number,
the third number includes product information of the item, the public-key cryptographic process is used with the first and third numbers, and only if the public-key cryptographic process cryptographically decides that the second number is a public-key signature of the first and third numbers is the product determined to be authentic.

Coppersmith discloses:

a third number is obtained from the RFID tag when the first number is obtained,
'the third number is concatenated with, but a separate number than, the first number,
the third number includes product information of the item, the public-key cryptographic process is used with the first and third numbers, and only if the public-key cryptographic process cryptographically decides that the second number is a public-key signature of the first and third numbers is the product determined to be authentic (see fig. 1; see claim 1).

Accordingly it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Kay and incorporate a method further comprising a third number is obtained from the RFID tag when the first number is obtained, 'the third number is concatenated with, but a separate number than, the first

number, the third number includes product information of the item, the public-key cryptographic process is used with the first and third numbers, and only if the public-key cryptographic process cryptographically decides that the second number is a public-key signature of the first and third numbers is the product determined to be authentic in view of the teachings of Coppersmith in order to ensure security of the item.

41. As per **claim 30**, Halperin further discloses a method, wherein the fourth number does not contain product information of the item (see fig. 1).

Conclusion

42. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on **(571) 272 – 6709**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charlie C Agwumezie/
Primary Examiner, Art Unit 3685
December 19, 2010